

# Media Release

**Jaclyn Symes MLC**

Leader of the Government in the Legislative Council

Attorney-General

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## **NON-FATAL STRANGULATION TO BECOME STAND-ALONE OFFENCE**

Victorians experiencing family violence will have more protection with the creation of new stand-alone non-fatal strangulation offences.

The Allan Labor Government today introduced the *Crimes Amendment (Non-fatal Strangulation) Bill 2023* into Parliament in response to advocacy and research which shows that someone who survives non-fatal strangulation by a current or former partner is seven times more likely to be seriously injured or murdered by that partner.

The reforms will create two offences. First, an offence of intentional non-fatal strangulation, which does not require proof of injury will carry a maximum five-year prison term. A second more serious offence of non-fatal strangulation where a perpetrator intentionally causes injury, will be created with a maximum penalty of 10 years.

A consent defence will be available for the five-year offence. In the context of sexual activity, this will be an affirmative consent defence to ensure that the same rigorous, victim-centred consent standards that apply in sexual offences also apply to sexual non-fatal strangulation.

This will provide protection for people who have engaged in genuinely consensual non-fatal strangulation during sexual activity and no intentional injury has occurred.

These reforms have been developed to better protect victim-survivors, including those who may not sustain any visible injuries, and to hold perpetrators to account who use strangulation to exert power and control over their family member.

Establishing non-fatal strangulation as a standalone offence provides a clear indication to the Victorian community of the severity of this conduct in family violence contexts.

### **Quotes attributable to Attorney-General Jaclyn Symes**

*“Non-fatal strangulation is rarely an isolated event. Instead it often reveals an ongoing and escalating pattern of coercive and controlling behaviour – especially when it occurs in family violence circumstances.”*

*“We’ve listened to the concerns of those families affected by these acts of violence and the Bill will make this behaviour clear for what it is – controlling, dangerous and unacceptable.”*

### **Quote attributable to Minister for the Prevention of Family Violence Vicki Ward**

*“These new offences build on our work to protect victims, hold perpetrators to account and help to change community attitudes towards family violence.”*